

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:08-CR-46
)	(PHILLIPS/SHIRLEY)
ALFREDO BARBA, et. al.)	
)	
Defendant.)	

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter is before the Court on Defendant Reynaldo Quirez's [Pro Se] Motion to Review Counsel [Doc. 58], filed on August 12, 2008. In this motion, Defendant Quirez asked the Court to review counsel due to communication problems between defendant and defense counsel. During the arraignment and motion hearing on September 26, 2008, Attorney Woods orally notified the Court that defendant and counsel had resolved their communication problems and requested withdrawal of the [Pro Se] Motion to Review Counsel [Doc. 58]. Defendant Quirez affirmed counsel's statements of their reconciliation and expressed a desire to withdraw the motion. Attorney Woods and Defendant Quirez also requested withdrawal of the defendant's other pro se motions, including Motion for Discovery [Doc. 59], filed on August 12, 2008, Motion to Require the Furnishing of Investigative Reports [Doc. 81], Motion for Grand Jury Minutes [Doc. 82], and Motion for the Disclosure of Co-Defendant Statements [Doc. 83], all filed on September 17, 2008. Because of the withdrawal and for good cause shown, Defendant Quirez's [Pro Se] Motion to Review Counsel [Doc. 58] is **DENIED as moot** and Defendant Quirez's [Pro Se] Motion for Discovery [Doc. 59], [Pro

Se] Motion to Require the Furnishing of Investigative Reports [**Doc. 81**], [Pro Se] Motion for Grand Jury Minutes [**Doc. 82**], and [Pro Se] Motion for the Disclosure of Co-Defendant Statements [**Doc. 83**] are also **DENIED as moot**.

The Court also addressed the matter of rescheduling the motion hearing originally set for **October 27, 2008**. The motion hearing is now set for **October 31, 2008 at 9:00 am** before the Honorable C. Clifford Shirley. The government is advised to provide discovery to Attorney Lomonaco as to Count 3 of the indictment against Defendant Alfredo Barba to allow Attorney Lomonaco time to determine whether to (and allow time to) file a motion on the new count. In addition, the Court gave Attorney Arismendez leave to file a Motion to Sever and advised defense counsel for the remaining defendants to review the motion for possible adoption. Counsel for all defendants are advised that if they desire to file additional motions, to request leave to file such additional motions expeditiously to allow for a ruling on the request, filing, and the government's response prior to the October 31, 2008 motion hearing.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge